

15. (Twice Amended) Absorbent article according to claim 13, wherein the shaping member [comprising] comprises an insert.

REMARKS

Claims 1-10 and 13-15 are pending. By this Amendment, claims 3, 4, 7, 8, 9 and 15 have been amended. Furthermore, minor changes have been made to the specification to correct for informalities. In view of the amendments above and the reasons set forth below, applicants respectfully request reconsideration of the application.

On pages 2 of the Official Action, the drawing were objected to under 37 CFR §1.84(p)(4) and 1.83(a). The Office Action alleged that reference character "508" was used to designate both a crotch edge and a crotch portion. The specification has been amended in response to the objection.

On page 2 of the Office Action, claim 15 was objected to for allegedly containing an informality. The claim has been amended solely in response to the objection, thus the objection has been rendered moot.

On pages 2-5 of the Office Action, claims 1-6, 9 and 13-16 were rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent 5,591,150 to *Olsen et al. (Olsen)*. The rejection is respectfully traversed.

For a rejection under 35 U.S.C. §102, a reference must disclose *each and every* feature of the claimed invention. *Olsen* fails to do so.

The present invention pertains to an article having a liquid pervious surface layer 2 within the wetting region 15 which comprises a hydrophilic material, at least at the surface

of the layer which is intended to be facing the user during use, and in the remaining parts of the liquid pervious surface layer 2 is comprising of a hydrophobic material. Because the hydrophilic material is able to retain moisture, desiccation of the mucous membranes is counteracted.

Claim 1 recites an absorbent article having, amongst other features, a liquid-pervious surface layer 2 within the wetting region 15 which comprises a hydrophilic *absorbent* material 16, at least at the surface of the liquid-pervious surface layer 2 which is *intended to be facing the user during use*, and that remaining parts of the liquid-pervious surface layer 2 is comprising a hydrophobic material 14.

Olsen discloses a sanitary napkin 20 having a topsheet 38 which is liquid pervious, a backsheet 40 which is liquid impervious, and an absorbent core 42 located between the topsheet 38 and the backsheet 40 (See FIG. 2). Furthermore, the specification (see column 7, lines 52-52) states that the topsheet 38 is rendered hydrophilic so that liquids *will transfer* through the topsheet 38 faster.

Claim 1 recites an absorbent article including, amongst other features, a liquid-pervious surface layer which is constituted of hydrophilic *absorbent* material. *Olsen* fails to disclose a sanitary napkin having such a feature.

~~*Olsen* does disclose the topsheet as being rendered "hydrophilic" but fails to state~~
that the topsheet is also absorbent. The only absorbent layer disclosed in *Olsen* is the absorbent core 42 which is the layer located below the topsheet 38. In contrast, claim 1 recites that there is a hydrophilic absorbent layer which is located above the absorbent body.

Claim 1 provides an absorbent article wherein liquid is able to penetrate through the liquid-pervious layer and at the same time is absorbed , desiccation of the mucous membranes is counteracted. Thus, the claimed invention provides a surface that remains wet after wetting, within the wetting region and facing the user during use, because of the hydrophilic absorbent material having the ability to absorb and retain a portion of the liquid. In contrast, the topsheet 38 disclosed in *Olsen* does not **absorb** liquid, nor is it desirable, as a dry surface against the wearer's skin is desired. (See col. 6, lines 62 to col. 7, line 4)

Dependent claims 2-6, 9 and 13-15 include the allowable features of independent claim 1 and further add additional features as recited therein. Thus, claims 2-6, 9 and 13-15 are not rendered anticipated by *Olsen* and also are in condition for allowance.

On pages 5-6 of the Office Action, claims 7 and 8 were rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over *Olsen* and further in view of U.S. Patent 5,449,352 to *Nishino et al (Nishino)*. The rejection is respectfully traversed.

Nishino fails to remedy the deficiencies of *Olsen* in disclosing the features of independent claim 1. Thus, claims 7 and 8 include the allowable features of claim 1 and include additional features as recited therein. Thus, claims 7 and 8 are not rendered obvious by the applied references.

In view of the foregoing, Applicant's respectfully submit that the subject application is in condition for allowance, and prompt notice of the same is earnestly solicited. Should the Examiner have any questions regarding this response or the application in general, he is urged to contact the undersigned at the telephone number listed below.

Respectfully submitted,

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